

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KEISHMOND J. DAVIS.

CASE NO. C23-1838JLR

Plaintiff,

ORDER

V.

UNITED SERVICES
AUTOMOBILE ASSOCIATION, et
al.,

Defendants.

Federal Rule of Civil Procedure 4 requires a plaintiff to serve the defendant with a summons and a copy of the plaintiff's complaint and sets forth the specific requirements for doing so. *See Fed. R. Civ. P. 4.* Rule 4(m) provides the timeframe in which service must be effectuated, stating in relevant part:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

1 Fed. R. Civ. P. 4(m). Here, *pro se* Plaintiff Keishmond J. Davis has failed to serve
2 Defendants with a summons and a copy of Mr. Davis's complaint within the timeframe
3 provided in Rule 4(m). (*See generally* Dkt. (no proof of service); *see also* Status Rep.
4 (Dkt. # 15) at 1 (noting "Defense counsel reached out to plaintiff several times via email
5 and phone to schedule [a Rule 26(f)] conference, but plaintiff did not respond," and
6 "Defendant has not been formally served").)

7 In addition, Local Civil Rule 41 requires a *pro se* party "to keep the court and
8 opposing parties advised as to his or her current mailing address." Local Rules W.D.
9 Wash. LCR 41(b)(2). If mail directed to a *pro se* plaintiff is returned as undeliverable,
10 and "if such plaintiff fails to notify the court and opposing parties within 60 days
11 thereafter of his or her current mailing or email address, the court may dismiss the action
12 without prejudice for failure to prosecute." *Id.* Here, mail addressed to Mr. Davis was
13 returned as undeliverable over 60 days ago on February 21, 2024. (*See* Return (Dkt.
14 # 11).) To date, Mr. Davis has not provided updated contact information. (*See generally*
15 Dkt.)

16 Accordingly, the court ORDERS Plaintiff to, within ten (10) days of this order,
17 (1) provide updated contact information pursuant to Local Rule 41(b)(2), and (2) SHOW
18 CAUSE why this action should not be dismissed for failure to comply with Rule 4(m). If
19 Plaintiff fails to provide updated contact information and/or does not demonstrate good
20 cause for the failure to comply with Rule 4(m), the court will dismiss the action without
21 prejudice. Alternatively, the court will discharge this order to show cause if Mr. Davis
22 (1) timely updates his contact information pursuant to Local Rule 41(b), and (2) responds

1 to this order with proof that Defendants have in fact been served or have agreed to waive
2 service.

3 Dated this 23rd day of April, 2024.

4 
5 JAMES L. ROBART
6 United States District Judge